

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
Plaintiff/Respondent, § Criminal Case No. 4:19-CR-918
§ Civil Case No. 4:23-CV-1439
vs. §
§ Criminal Case No. 4:21-CR-477
JULIUS JOACHIM OHUMOLE, § Civil Case No. 4:23-CV-1440
Defendant/Movant. §

MOTION FOR A 30-DAY EXTENSION TO FILE
GOVERNMENT'S RESPONSE

The Government requests a 30-day extension to file its response to Julius Joachim Ohumole's 28 U.S.C. § 2255 motions. The Government's response is due by January 22, 2024. 918 Doc. 64.¹ This is the Government's first motion for extension. In support of this motion, the United States respectfully shows the following:

I.

Ohumole is currently in the custody of the Federal Bureau of Prisons with an expected release date of January 24, 2026. <https://www.bop.gov/inmateloc> (last visited January 18, 2024). Ohumole

¹ Citations to "918 Doc. __" refer to the numbered documents in the docket for case No. 4:19-CR-918; page citations are to the page numbers identified in the ECF header for the document. Citations to "417 Doc. __" refer to the numbered documents in the docket for case No. 4:21-CR-477.

was indicted in Case No. 4:19-CR-918 with one count of conspiracy, four counts of bank fraud, and two counts of aggravated identity theft. 918 Doc. 9. In Case No. 4:21-CR-477, Ohumole waived indictment on one count of wire fraud in an information filed in the District of Idaho. 477 Docs. 8, 12, 14. As part of a plea agreement, Ohumole pleaded guilty to Count 2 (bank fraud) in Case No. 4:19-CR-918, and to wire fraud in Case No. 4:21-CR-477. 918 Docs. 41, 54; 477 Docs. 14, 25. The district court sentenced Ohumole to concurrent 97-month sentences. 918 Doc. 54 at 1–2; 477 Doc. 25 at 1–2. Ohumole did not appeal either conviction or sentence.

On April 17, 2024, Ohumole filed motions for relief pursuant to 28 U.S.C. § 2255 in both cases, alleging in three grounds for relief that he received ineffective assistance of counsel. 918 Doc. 61. On November 20, 2023, the Chief District Judge for the Southern District of Texas transferred Ohumole’s case to this Court’s docket, and on November 21, 2023, this Court ordered the United States to respond to Ohumole’s motions by January 22, 2024. 918 Docs. 63, 64.

II.

The United States respectfully requests a 30-day extension of time

to file its response to Ohumole's § 2255 motions. The Government is working diligently to complete its response to Ohumole's motion, but the response has not been completed and must still undergo internal review and editing. In addition, the Government ordered transcripts in Ohumole's case, and the last of the ordered transcripts was filed with the Court on January 11, 2024. 918 Doc. 73. Consequently, the Government needs additional time to review the transcripts before finalizing its response.

The United States is cognizant that Ohumole is an unrepresented party whose filings are entitled to prompt review and makes this motion to ensure that justice is done and not for purposes of delay. Because of his status as a prisoner, it is impracticable for the United States to communicate with Ohumole for purposes of knowing whether he opposes this motion. Accordingly, the Government respectfully requests that this Court grant a 30-day extension of time to respond to Ohumole's § 2255 motion, making the response due February 21, 2024.

Respectfully submitted,

ALAMDAR S. HAMDANI
United States Attorney

CARMEN CASTILLO MITCHELL
Chief, Appellate Division

/s/ Philip S. Harris

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing motion and proposed order was electronically filed with the United States District Court for the Southern District of Texas on January 18, 2024. The motion was sent by certified mail, return receipt requested on January 18, 2024, to the following:

Julius Joachim Ohumole
Reg. No. 06131-579
FCI Victorville Medium I
Federal Correctional Institution
P.O. Box 3725
Adelanto, CA 92301

/s/ Philip S. Harris
PHILIP S. HARRIS
Assistant United States Attorney

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ORDER

It is hereby ORDERED that the motion for a 30-day extension is GRANTED. It is hereby ORDERED that the United States file its answer, response, or any dispositive motion on or before February 21, 2024.

SIGNED this _____ day of _____ 2024.

Drew B. Tipton
United States District Judge